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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/748,485	12/30/2003	Jon Arthur Roeple	9D-HL-25191	8742
7590 03/24/2010				
John S. Beulick Armstrong Teasdale LLP Suite 2600 One Metropolitan Square St. Louis, MO 63102			EXAMINER RIGGLEMAN, JASON PAUL	
			ART UNIT 1792	PAPER NUMBER
			MAIL DATE 03/24/2010	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.



### Office Action Summary

**Application No.**

10/748,485

**Applicant(s)**

ROEPKE ET AL.

**Examiner**

JASON P. RIGGLEMAN

**Art Unit**

1792

**Period for Reply** -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 04 January 2010.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☐ Claim(s) 1, 3-7, and 9-26 is/are pending in the application.
- 4a) Of the above claim(s) 13-24 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1, 3-7, 9-12, 25 and 26 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB-06)  
Paper No(s)/Mail Date \_\_\_\_\_

- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_



## **DETAILED ACTION**

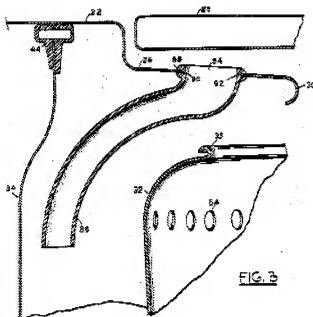
### ***Status of Claims***

1. Applicant's request for reconsideration, filed 1/4/2010, is acknowledged. Current pending claims are 1, 3-7, and 9-26. Claims 13-24 are withdrawn from examination. Claims 2 and 8 are cancelled. No claims are currently amended.

### ***Response to Amendment***

2. Applicant's arguments with respect to claims 1, 3-7, 9-12, and 25-26 have been considered. The applicant argues that the cited art does not teach the limitation that the "conduit delivers the diluted additive to the annular space between the tub and basket such that additive is not applied directly on the articles being washed". This is the main thrust of the applicant's arguments. Applicant states that Olding does not teach "a reservoir and a conduit that are coupled together and are configured to deliver a diluted additive into an annular space between a tub and basket" and "Olding describes a conduit for delivering undiluted bleaching agent directly into the tub so that the bleaching agent can be diluted after the bleaching agent is already in the tub" (pgs. 4-5). Examiner states that the claims are rejected under 103(a) as being unpatentable over Je (Korean Publication No. KR2003055965) in view of Huttemann (UK Patent Application Publication No. GB4043158) and further in view of Olding (US Patent No. 3118297) and that the combination of references teaches the claim limitations. It can be seen in Fig. 3, see below, of Olding that the additive is delivered directly between the conduit and tub.





3. The applicant's arguments are not understood in terms of how the claimed structural features differ from the prior art rejections. The applicant's contention that the placement of the conduit has criticality is persuasive; however, this does not change the grounds of rejection. The arguments are not persuasive. The rejections are maintained.

#### ***Remarks***

4. For purposes of examination, "top cover" in claim 1 is assumed to be the top cover 54 of the washing machine described in the applicant's specification, paragraph [0022], Fig. 3. This assumption was confirmed as correct in the applicant's reply filed on 3/19/2007.

#### ***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are



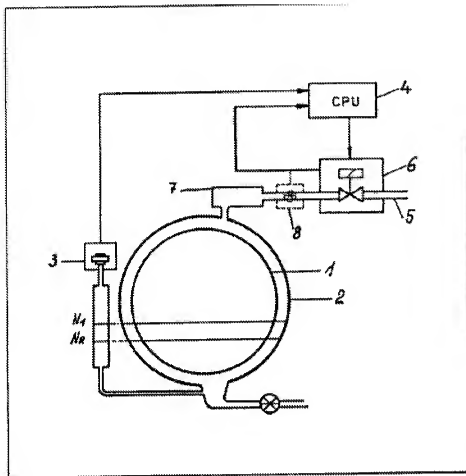
such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1, 3-7, 9-12, and 25-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Je (Korean Publication No. KR2003055965) in view of Huttemann (UK Patent Application Publication No. GB4043158) and further in view of Olding (US Patent No. 3118297)
7. Je teaches an additive dispensing system for a washing machine 1 including a tub 5, for holding wash liquid, and a basket 6, for holding articles to be washed. The additive dispensing system includes a top cover 30. A reservoir 40 is removably coupled to the top cover 30 and is configured to contain an additive, Fig. 2. A plurality of tabs 37 extend from the top cover 30, Fig. 4. The plurality of tabs engage a top cover 20 of the washing machine 1 to couple the reservoir cover 30 to the top cover 20. An opening 33 is present in the reservoir cover 30 and an opening is present the top cover 20, Fig. 3 which remains after assembly of the two components. An annular space is defined between the tub and basket, Fig. 1. The reservoir is emptied by a siphon tube (siphon pipe 43). The reservoir includes a removable cover coupled the top cover 20 and the conduit comprises a siphon -- siphon cap 50 and siphon pipe 43, Fig. 8. The reservoir includes an overflow port 48. The top cover includes an opening there through, with the opening in fluid communication with said reservoir for introducing the additive into said reservoir. The siphon tube empties through the pass station 65 and through a through-hole 68 to be dropped into the intervening space of the washing tub and water tank (English Machine translation of Je (Korean Publication No. KR2003055965). The water supply mouths (49, 49)' supply the water to the reservoir (and hence diluted additive to the basket) at a predetermined time, pgs. 3-4, of KIPO machine translation of KR2003055965.



8. Je does not teach a controller configured to control a water valve and that the valve dispenses during a selected wash of a plurality of wash cycles; however, it has been held that an obvious choice in design is not patentable (*In re Kuhle*, 188 USPQ 7). Je teaches that the water is added at a predetermined time set up by the user. The supplying of the water to the dispenser causes the diluted additive to be added to the basket. When water is provided, when combined the siphoning phenomenon would occur to flush the chamber. It would be obvious (if not inherent) to utilize valves to control the water flow and a controller to control the timing of the operation of the valves to correspond to multiple wash cycles. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Je to create a washing machine with a programmed control of additive dispensing to achieve the expected result. Note: support for the pervasiveness and obvious of the use of programmable controllers is provided by Tessarolo (UK Patent Application GB2001454) which teaches a controller which operates electrical valves (Line 124). Further, Huttemann (UK Patent Application Publication No. GB4043158) teaches a washing machine controller in which the valve is controlled to open/shut at predetermined times to supply water to a detergent box (see entire document). The water is necessarily provided, when combined with Je, such that the siphoning phenomenon would occur to flush the chamber.





9. Je, as modified above, does not teach a conduit extending into the annular space defined between the tub and basket (such that the diluted additive is not directly added to the articles within the basket); however, Olding teaches a conduit 86 which extends into the annular space between a basket and tub, Fig. 3. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Je, as modified above, with Olding, to create a washing machine dispenser which injects diluted agent at a specific location in the space between the tub and basket to achieve the expected result.

10. In regards to claims 4 and 10, Je, as modified above, as modified by Olding, does not teach a siphon tube coupled to the removable (reservoir) cover; however, it has been held that an



making elements integral would have been obvious (*In re Wolfe* 116 USPQ 443). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Je, as modified above as modified by Olding, to make the siphon caps integral with the removable cover to achieve the expected result of stably positioning of the siphon caps on top of the siphon pipes.

### ***Conclusion***

11. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JASON P. RIGGLEMAN whose telephone number is (571)272-5935. The examiner can normally be reached on M-F, 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Barr can be reached on 571-272-1414. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.



Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Michael Barr/  
Supervisory Patent Examiner, Art Unit 1792

Jason P Riggleman  
Examiner  
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/J. P. R./  
Examiner, Art Unit 1792